UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YOR		
	:	
WI-LAN INC.,	:	
	:	10 Civ. 432 (LAK) (AJP)
Plaintiff,	:	
	:	
V.	:	
	:	
LG ELECTRONICS, INC. and LG	:	
ELECTRONICS U.S.A., INC.,	:	
	:	
Defendants.	:	
	:	
	v	

AFFIRMATION OF JAMES J. LUKAS, JR. IN SUPPORT OF DEFENDANTS' MOTION TO PRECLUDE PLAINTIFF FROM PURSUING A CLAIM OF PATENT INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS

I, James J. Lukas, Jr., affirm as follows:

- 1. I am an attorney at Greenberg Traurig, LLP, attorneys for Defendants and Counterclaim-Plaintiffs LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively "LG" or "Defendants") in the above-captioned matter. I have personal knowledge of the facts discussed herein and, if called to testify, I would and could competently testify to those facts. I respectfully submit this Affirmation in support of Defendants' Motion to preclude Plaintiff from pursuing a claim of patent infringement under the doctrine of equivalents.
- 2. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff's Response to Defendant LG Electronics, Inc.'s First Set of Interrogatories (Nos. 1-8).
- 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the 8/23/10 Hearing Transcript, Dkt. 74.

Case 1:10-cv-00432-LAK -AJP Document 116 Filed 02/04/11 Page 2 of 2

4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Second

Supplemental Response to Defendant LG Electronics, Inc.'s First Set of Interrogatories (Nos. 1-

8).

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the

9/13/10 Hearing Transcript, Dkts. 75-76.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Plaintiff's Third

Supplemental Responses to Defendant LG Electronics, Inc.'s First Set of Interrogatories (Nos. 1-

8).

7. Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiff's Objections to

Defendants' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6).

8. Attached hereto as **Exhibit 7** is a true and correct copy of a September 30, 2010,

letter from M. Holohan to E. Maiers.

9. Attached hereto as Exhibit 8 is a true and correct copy of Revlon Consumer

Prods. Corp. v. The Estee Lauder Cos., Inc., Case No. 00 Civ. 5960 (RMB)(AJP), 2003 U.S.

Dist. LEXIS 13004 (S.D.N.Y. July 30, 2003).

10. I declare under penalty of perjury under the laws of the United States that the

foregoing information is true and correct to the best of my knowledge, information and belief.

Dated: February 4, 2011

/s/ James J. Lukas, Jr.
James J. Lukas, Jr.

2